

<p>BOARD OF ASSESSMENT APPEALS, STATE OF COLORADO 1313 Sherman Street, Room 315 Denver, Colorado 80203</p> <hr/> <p>Petitioners:</p> <p>PAUL AND DYAH PANE,</p> <p>v.</p> <p>Respondent:</p> <p>MONTEZUMA COUNTY BOARD OF EQUALIZATION.</p>	<p>Docket No.: 46686</p>
<p>ORDER</p>	

THIS MATTER was heard by the Board of Assessment Appeals on March 22, 2007, Lyle D. Hansen and Diane M. DeVries presiding. Petitioners were represented by Paul Pane, pro se. Respondent was represented by Robert D. Slough, Esq. Petitioners are protesting the 2006 actual value and classification of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**13785 Highway 145, Dolores, Colorado
(Montezuma County Schedule No. 561101101006 / R024924)**

The subject property consists of a 2,419 square foot house situated on 8.83 acres of irrigated land located on Highway 145 between Cortez and Dolores, Colorado.

Petitioners contend that the subject property was used for agricultural purposes prior to their purchase and they have continued the agricultural use by leasing the property. Respondent believes that the subject property is not being used as a farm or ranch for the primary purpose of obtaining a monetary profit.

Petitioners purchased the subject property in November 2005 for \$239,000.00. Due to the ownership transfer, Respondent reviewed the agricultural classification. The subject property was inspected on several occasions and the only activity was grazing by two or three horses. Respondent

changed the subject property's classification to residential vacant land for tax year 2006.

Petitioners are requesting a 2006 actual value of \$239,000.00 for the subject property.

Respondent presented an indicated value of \$265,000.00 for the subject property based on the market approach.

Respondent presented three comparable sales ranging in sales price from \$211,000.00 to \$295,000.00 and in size from 1,200 to 2,619 square feet. All of the comparable sales were located on sites ranging from 4.28 acres to 7.58 acres. Adjustments were made for lot size, year built, living area, heat type, exterior wall construction, number of baths, garage size, and outbuildings. Respondent's witness did not inspect the interior of the property. After adjustments were made, the sales ranged from \$252,980.00 to \$270,380.00.

Respondent assigned an actual value of \$259,940.00 to the subject property for tax year 2006.

Respondent presented sufficient probative evidence and testimony to prove the subject property was correctly classified and valued for tax year 2006.

The Board determined, based on the evidence and testimony, that the subject property does not meet the qualifications of a farm or a ranch as set for in CRS 39-1-102 (1.6) (a) (I) and 39-1-102(3.5) and (13.5). Colorado law does not require a minimum parcel size; however, you must be able to establish that the primary purpose of the use of the land is to obtain a monetary profit by farming or ranching. To establish that the land is a farm or ranch, the land must be so used for two previous years plus the current year to qualify for an agricultural classification.

The Board believes Petitioners do not use the subject property for agricultural purposes for the primary purpose of obtaining a monetary profit. Furthermore, the subject property does not meet the farm or ranch criteria of the Colorado Revised Statutes as set forth above. Though there was testimony by Petitioner regarding use during years prior to their ownership, there was no supporting evidence that the use, if any, was a qualifying agricultural use of the property in the years prior to 2006. The subject property does not meet the three year use test.

Regarding the subject property's assigned value, Petitioners did not present sufficient evidence to prove the value was incorrect.

Finally, the Board requested that all parties determine the correct address of the subject property and was assured that the correction would be made to Respondent's records.

ORDER:

The petition is denied.

APPEAL:

APPEAL:

Petitioner may petition the Court of Appeals for judicial review within 45 days from the date of this decision.

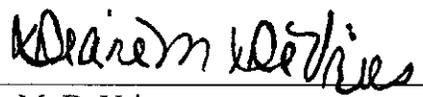
If Respondent alleges procedural errors or errors of law by this Board, Respondent may petition the Court of Appeals for judicial review within 30 days from the date of this decision.

DATED and MAILED this 6th day of June 2007.

BOARD OF ASSESSMENT APPEALS



Lyle D. Hansen

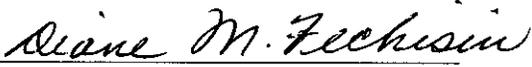


Diane M. DeVries

This decision was put on the record

JUN 05 2007

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.



Diane M. Fechisin

